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A²
~~transmission, disconnect supervision, answer detection, attendant supervision,
billing management, rerouting of IP transmissions to the PSTN, and the like.~~

REMARKS

The Examiner's Office Action of December 17, 2003 has been carefully reviewed. First, the Examiner objected to the Abstract of the Disclosure as exceeding 150 words. In response, Applicant submits herewith a substitute Abstract which is less than 150 words. Applicant believes that the amended Abstract overcomes the Examiner's objections.

Next, the Examiner objected to Claim 2 under 37 C.F.R. 1.75 (c) as being in improper dependent form. Specifically, the Examiner asserts that Claim 2 does not serve to further limit Claim 1. Accordingly, Applicant hereby deletes Claim 2. The Examiner additionally objected to Claims 1 and 26 on the basis of various informalities. Specifically, Claim 1 stated "calculating a value for the quality" instead of "calculating a value of a quality." Claim 26 referenced "computer to managing" instead of "computer to manage." These informalities have been corrected via the present claim amendments and the objection is deemed overcome.

Next, the Examiner rejected claims 1, 3, 7, 8, 17, 19, 20, 21, 24, 26, and 27 under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (U.S. Patent 5,774,656) in view of Jones et al. (U.S. Patent 5,903,558). The Examiner further rejected Claim 18 under 103(a) as being unpatentable over Hattori and Jones and further in view of Drake, Jr. et al. (U.S. Patent 5,461,611). Nevertheless, the Examiner did indicate that claims 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, and 25

were allowable over the prior of record. Specifically, the Examiner indicated that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

In light of the indication of allowable subject matter, the Applicant has amended Claim 1 to include the subject matter of both dependent claims 3 and 4. (Insomuch as Claim 2 was deemed as an unnecessary limitation, it was not incorporated into Claim 1.) Claims 3 and 4 have been deleted. Likewise, Claims 5, 9 and 14 have all been rewritten in independent form to include the subject matter of Claim 1. Thus, Claims 1, 5, 9, 14 are all believed to be in a condition for allowance. Dependent Claims 6, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, are similarly deemed to be in a condition for allowance. Claim 20 has been deleted as being duplicative of Claim 19. Thus, the Examiner's rejection on the basis of Hattori in view of Jones (and Drake) will not be addressed as it pertains to Claims 1-20.

Nonetheless, the Examiner's rejection of Independent Claims 21 and 26 is traversed in view of the claim amendments and arguments made herein. The Examiner relies upon Hattori for an information processing system. The system of Hattori is made up of a number of different apparatuses, each of which has a quality of service table for registering functions and performance. However, as noted by the Examiner, Hattori fails to calculate a value for quality of service of the communication based upon diagnostic messages. In light of this failure, the Examiner relies upon Jones, which the Examiner contends teaches a method for adjusting the transmission parameters of a terminal endpoint based upon the

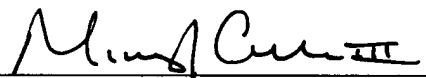
quality of service. Jones teaches conducting a performance test and using the results to determine an indicator such as average delay, delay variance, and bit error rate. *See* Jones, col. 8, lines 11-19. Jones also discloses automatically moving a data call in the event quality of service degrades below a defined threshold. *See id.* at lines 35-50.

However, notably absent from Jones is a teaching of selectively adjusting one of a number of different transmission parameters on the basis of quality of service. This feature is now specifically recited in independent Claims 21 and 26. Specifically, these claims recite that the diagnostic supervisor calculates a quality of service based upon information from each diagnostic message and selectively adjusts one of a number of different transmission parameters on the basis of the calculated quality of service. This aspect of the invention is graphically represented in Figure 7, which illustrates the real time response manager including a connection rerouting controller, an alarm controller, a resource reallocation controller, and a packet size controller. This aspect of the invention is also described in the application at page 25, lines 12 through 21, and page 26, lines 1 through 5.

Thus, as noted in Claims 21 and 26, in response to a calculated quality of service, a number of different transmission parameters can be selectively adjusted to improve quality of service. In sharp contrast, Jones only discloses switching a connection (i.e. switching from a shared to an unshared connection as noted in col. 2, lines 41-46) in response to the quality of service. As such, Jones fails to teach a

number of different transmission parameters, much less selectively adjusting such parameters in response to a calculated quality of service. Accordingly, any possible combination of Jones and Hattori as proposed by the Examiner would still be missing the inventive features Applicant now claims.

In conclusion, Applicant respectfully requests a reconsideration of the Examiner's rejection of Claims 21 and 26, as well as dependent Claims 22-25. A Notice of Allowance is respectfully requested. Should any additional points remain, the Examiner is invited to call the undersigned at his convenience.

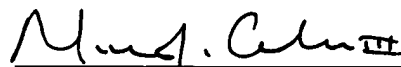
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via U.S. Express Mail, postage prepaid to: U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, V.A. 22202 on this the 12th day of August, 2004. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application

without specific authorization, or credit any overpayment, to Deposit Account No.
50-1667.

A handwritten signature in cursive script, reading "Michael J. Colitz, III", written over a horizontal line.

Michael J. Colitz, III

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